

entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond in conformity with section 10 of the act, conditioned in part that the cans be relabeled to show the minimum weight of the oyster content thereof and bear a statement that a package of the size should contain 5 ounces of oyster meat.

W. M. JARDINE, *Secretary of Agriculture.*

12839. Misbranding of turpentine man's or Tydings' remedy. U. S. v. 12 Dozen Bottles of Turpentine Man's. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10579. I. S. No. 16361-r. S. No. E-1540.)

On June 14, 1919, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on August 6, 1920, an amended libel, praying the seizure and condemnation of 12 dozen bottles of turpentine man's, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by Tydings & Co., Ocala, Fla., on or about May 21, 1919, and transported from the State of Florida into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of 6 per cent of potassium iodide, 0.3 per cent of salicylic acid, 5 per cent of alcohol, 3 per cent of sugar, 64 per cent of glucose, an ammonium salt, extracts of vegetable drugs, and water.

Misbranding of the article was alleged in the libel for the reason that the label on the package containing the said article failed to bear a statement of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements, appearing upon the carton and bottle and in the accompanying circular regarding the curative and therapeutic effects of the said article, to wit, (carton) "For Blood Diseases Tydings' Remedy Or Turpentine Man's," (bottle) "Turpentine Man's Or Tydings Remedy for Blood Diseases Of All Kinds And Rheumatism," (circular) "'Turpentine Man's,' or Tydings' Remedy For Blood Diseases * * * What It is For * * * in restoring and invigorating the whole system; in renovating and enriching the blood; in giving an appetite and a tone to the stomach, in relieving Pock, Scrofula, Scrofulous Humors, Scaldhead, Syphilitic affections, Ringworms, Salt Rheum, Boils, Pimples and Humors on the face, Catarrh, Headache, Dizziness, Faintness, Sick Stomach, Constipation, Pains in the Back, and many Female Diseases, General Debility and Rheumatism, and diseases arising from an impure state or low condition of the blood * * * "Turpentine Man's" or Tydings' Remedy is designed to act upon the blood, and through that, upon all the organs and tissues of the body. It also has a special action upon the secretions and excretions, and assists Nature to expel from the System all Humors, impure particles and effete matter through the Lungs, Kidneys, the liver and skin. It positively aids and strengthens weak and impaired and debilitated organs; Invigorates the nervous system; tones and strengthens the digestive organs, and imparts new life and vigor to all the organs of the body," were false, fraudulent, and misleading, in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On February 22, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12840. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19057. I. S. No. 12867-v. S. No. E-4957.)

On September 25, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery Assoc., Big Rapids, Mich., on or about September 11, 1924, and transported from the State of Michigan into the State of

New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 28, 1924, the Farmers Cooperative Creamery Assoc., Big Rapids, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$420, or the deposit of collateral in like amount, in conformity with section 10 of the act, conditioned in part that the product be reworked and reprocessed under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12841. Misbranding of olive oil and salad oil. U. S. v. 4 Cases of Olive Oil and 1 Case of Salad Oil. Product found misbranded. Released under bond to be relabeled. (F. & D. Nos. 18401, 18402. I. S. Nos. 20649-v, 20650-v. S. No. W-1477.)

On March 5, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cases, each containing gallon cans, half-gallon cans, and quart cans, of olive oil, and 1 case containing 12 cans of salad oil, remaining in the original unbroken packages at Magna, Utah, alleging that the article had been shipped by B. G. Makris, from New York, N. Y., on or about October 5, 1923, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The olive oil was labeled in part: (Can) "Makris Brand Imported Lucca Olive Oil * * * Net Contents One Gallon" (or "Net Contents Half Gallon" or "Net Contents One Quart") "B. G. Makris * * * N. Y. U. S. A." The salad oil was labeled in part: (Can) "Il Papa Degli Olii Uncle Sam Oil Our Brand Winter-pressed Vegetable Salad Oil * * * Net Contents One Gallon Packed by B. G. Makris, New York."

Misbranding of the article was alleged in the libel for the reason that the statements "Net Contents One Gallon," "Net Contents Half Gallon," and "Net Contents One Quart," borne on the respective-sized cans containing the articles, were false and misleading, in that the net contents of the said cans were not 1 gallon, half gallon, or quart, as the case might be. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 5, 1924, B. G. Makris, New York, N. Y., having appeared as claimant for the property and having paid the costs of the proceedings and executed a bond in the sum of \$600, in conformity with section 10 of the act, judgment of the court was entered, finding the product to be misbranded and ordering that it be released to the said claimant to be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12842. Adulteration of canned salmon. U. S. v. 1,000 Cases of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18676. I. S. Nos. 20091-v, 20092-v. S. No. W-1509.)

On May 16, 1924, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 cases of canned salmon, at Spokane, Wash., consigned by the Canadian Bank of Commerce, Seattle, Wash., alleging that the article had been shipped from Alaska during the month of September, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article